

Application No. 09/889,908
Amendment Dated March 10, 2004
Reply to Office Action of December 11, 2003

REMARKS

Claims 22-31 and 34-43 are pending with Claims 22, 31 and 43 independent. By this Amendment, Claims 22 and 31 are amended and claims 32 and 33 are cancelled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

35 U.S.C. §102 REJECTION

Claims 22-43 stand rejected under 35 U.S.C. §102(b) over Maekawa et al. (U.S. Patent No. 5,644,388). This rejection is respectfully traversed for at least the reasons set forth below.

The Examiner asserts that Maekawa discloses an optical imaging unit for enlarging imaging of at least one resting or moving object on a structured mask (1) having at least one light transmitting segment adapted to transmit light from a flat section to a detector unit (10). This assertion is respectfully traversed.

Applicants respectfully submit that Maekawa does not disclose an enlarged optical imaging of an object on a structured mask. That is, Maekawa does not disclose enlarged optical imaging of at least one resting or moving object with a microscope onto a structured mask being positioned in a beam path of the microscope, as recited in amended independent Claims 22 and 31. In addition, Maekawa does not disclose at least the step of electronic masking of a signal of a CCD matrix detector, as recited in independent Claim 43.

Maekawa discloses two detector units, namely the cell passage monitoring detector 14 and the image capturing unit 10. Particles flowing in the flow cell 1 create a shadow on the detector 14. This creation of a shadow does not represent an optical imaging. Moreover, this

Application No. 09/889,908
Amendment Dated March 10, 2004
Reply to Office Action of December 11, 2003

creation of a shadow does not represent an enlarged optical imaging, as recited in Claims 22 and 31.

In Maekawa, light source 3 creates parallel light which could create a shadow having the same size as the object only. While the Examiner asserts that enlarged optical imaging appears with respect to the image capturing unit 10, the image capturing unit 10 is not a structured mask as recited in the claims. In fact, there is no mask in Maekawa onto which particles are imaged. The provision of a structured mask is not disclosed. Therefore, Maekawa does not disclose an enlarged optical imaging of an object onto a structured mask positioned in a beam path of the microscope, as recited in Claims 22 and 31.

Further, Maekawa does not disclose detecting a quantity of light transmitted by the structured mask and generating (or forming) a detector signal having a predetermined relationship with the quantity of light, as recited in independent Claims 22 and 31. Applicants submit that the claimed method and device represents a complete different approach for object detection compared with the Maekawa technique. For example, see page 3, paragraph 3 of the specification. The detector signal generated with the claimed process and device represents the quantity of light rather than an image of the object. Such an integral measurement is neither disclosed nor suggested by Maekawa.

Applicants also submit that the Office Action does not clearly set forth a position as to how Maekawa discloses the features recited in independent Claim 43, other than a cursory statement that Claim 43 is met by the operation of Maekawa as applied to Claims 31-41. Applicants traverse the Examiner's assertion and respectfully submit that Maekawa does not

Application No. 09/889,908
Amendment Dated March 10, 2004
Reply to Office Action of December 11, 2003

disclose electronic masking of a signal of a CCD matrix detector for providing signals from specific image points of an object, as only recited in independent Claim 43.

In view of the reasons set forth above, Applicants respectfully submit that Maekawa does not disclose the features recited in independent Claims 22, 31 and 43. Claims 23-30 and 34-42 depend from one of independent Claims 22 and 33, and are also believed to be allowable over the cited art, for at least the reasons discussed above. Withdrawal of the rejection of the claims under 35 U.S.C. §102 is respectfully requested.

CONCLUSION

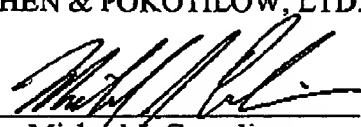
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By


Michael J. Cornelison
Registration No. 40,395
Customer No. 03000
(215) 567-2010
Attorneys for Applicant(s)

March 10, 2004

Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
this submission.